

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ROYCE GLENN DAILY, #2354409 § CIVIL ACTION NO. 4:22cv660  
VS. §  
ESTELA GOMEZ LEMAS, ET AL. §

**MEMORANDUM ADOPTING REPORT AND**  
**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #38), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 18, 2024, the Magistrate Judge entered the Report (Dkt. #38), containing proposed findings of fact and recommendations that Defendant Elbert Holmes’ Motion for Summary Judgment (Dkt. #29) be granted and Plaintiff’s claims against Defendant Elbert Holmes be dismissed with prejudice. No objections having been timely filed, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court except that the dismissal is without prejudice.

It is therefore **ORDERED** that Defendant Elbert Holmes' Motion for Summary Judgment (Dkt. #29) is **GRANTED**. Plaintiff's claims against Defendant Elbert Holmes are **DISMISSED WITHOUT PREJUDICE**.

**SIGNED this 1st day of March, 2024.**

Amos Mazzant  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE